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Translation of the Official Action of November 26, 2003

5 GERMAN PATENT OFFICE

Request for Examination filed on

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By this official communication the following prior art documents are mentioned
15 for the first time. The numbers thereof are also applied in the further proceedings.

Cited references: 1. DE 101 12 983 C1
2. DE 198 10 487 A1
20 3. DE 37 03 413 A1
4. PAJ: Patent Abstracts of Japan, CD-ROM,
1999, JP 11058078 A

None of the above documents anticipates the subject matter of the present appli-
25 cation, but claim 1 in the present form cannot be granted for the following reasons.

It is known for example from document (1) (see particularly claim 1 and Fig. 1)
or from document (4) (see particularly Fig. 2 from the original Japanese publica-
30 tion), that all the features of a toggle or knuckle press according to the preamble
of claim 1 are known.

According to the characterizing part of claim 1 the subject matter of claim 1 dif-
fers from the above prior art in that

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- i) the non-rotatable connection between the driven lever (16) and the toggle lever (12) and the driving shaft (28) is **releasable**, and
- 5 ii) the driven lever (16) is positioned on a section of the driving shaft (28) which is **eccentric (44)**.

In this connection it is to be stated that the term "**releasable**" in a technical sense only indicates that the non-rotatably connected members lever (16) and shaft (28) may be released from each other as this is obvious for assembly and disassembly of the elements of a machine.

It appears that the term "releasable" is going to mean that the non-rotatable connection between the lever (16) and the shaft (28) which is effective during the whole approaching stroke conducted by the toggle lever (12), **is releasable if the**

15 **lever (14,16) of the toggle lever (12) has reached the stretched position**, to allow an immediately following working stroke which now doesn't depend on the pivoting movement of the toggle lever but from the rotating movement of the eccentric (44) arranged on the shaft, which shifts the toggle lever (12) longitudinally into the direction of the counter tool (26) (see page 2, lines 22 to 28).

20 According to the opinion of the Examiner, the functional feature of the releasability of the non-rotatable connection between the lever (16) and the shaft (28) only **at the moment of the complete stretching of the toggle lever (12) is a necessary feature for releasing the object of the invention and for allowing**

25 **the function of the claimed toggle press by providing separate approaching and working strokes with different speed and different pressing force character.**

Obviously the change between the approaching stroke conducted by the press as a toggle press and the function of the eccentric press (working stroke) is essential for the invention (see page 5, lines 5 to 12).

In this connection it is the opinion of the Examining Division that the stretched position of the toggle lever is necessary to define the change of the press type and to obtain a positive, geometrically defined and reproducible movement of the pressing tool.

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Therefore, according to the Examiner the following wording of claim 1

5 "... that the non-rotatable connection between the lever (16) and the shaft (28) is releasable if **the stretched position of the lever (14,16) of the toggle lever is reached, and that the second lever (14) ...**"

defines a toggle press based on inventive activity.

10 Admittedly it is known from the general press technology to use eccentric drives for stroke adjustment. This applies to eccentric presses (see for instance document 2, particularly Fig. 1 and column 3, lines 15 to 23) and toggle presses (see for instance document 3, particularly claim 1 and Fig. 1, 6).

15 It is also known to adjust the stroke during the pressing stroke for obtaining certain movement characteristics of the pressing tool, see for instance document 2 (particularly column 2, lines 60 to 66).

Document 1 describes the possibility for obtaining an approaching stroke by means of a toggle press and a working stroke by means of a linear drive.
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However, **a change of the pressing type** (toggle press-> eccentric press) concerning the divided stroke movement having an approaching stroke and a working stroke, at it is described by the present application, cannot be taken by the skilled man even if considering the prior art documents in combination.

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Thus a new claim 1 amended as proposed above seems to be allowable.

30 Claims 2 to 7 could follow this claim 1, provided that in claim 2 the feature "spring" is replaced by "pressure spring" (30) (see claim 7, line 6). In claim 7 the term "opposite"...

(formal linguistic questions not translatable into English; the translator).

35 With the present files a patent cannot yet be granted. Therefore, in case the application should be prosecuted with the original files, applicant shall expect that the application is rejected.